



## Croatia

### Country Reports on Human Rights Practices - [2002](#)

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The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. President Stjepan Mesic (formerly of the Croatian People's Party, but now independent) was elected in February 2000 to a 5-year term. International observers characterized the elections as "calm and orderly," noting that, in general, "voters were able to express their political will freely," although there were some problems. The President serves as Head of State and commander of the armed forces and nominates the Prime Minister who leads the Government. Ivica Racan of the Social Democratic Party (SDP) is Prime Minister. In January 2000 parliamentary elections, a democratic coalition defeated the then-ruling Croatian Democratic Union (HDZ) party. The Organization for Security and Cooperation in Europe (OSCE) observers stated that the parliamentary elections represented "marked progress" toward meeting OSCE standards. The combination of a new President, a democratic coalition in Parliament, and constitutional reforms in 2000 increased the transparency of the role of the President and Government. The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from inefficiency and funding problems, as well as some political influence at the local level.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security; but, in times of disorder, the Government and President may call upon the army to provide security. Civilian authorities generally maintained effective control of the security forces. Security forces committed a few abuses.

The Government has pursued economic reforms including privatization, public sector reductions, pension reforms, anticorruption legislation, and reforms of banking and commercial laws. In June 2001, the Government adopted a development strategy to transform socialist-era structures into a functioning market economy. The population of the country was 4,437,000 and per capita gross domestic product was approximately \$4,994, an increase of 8 percent over 2001. The International Labor Organization (ILO) estimated that the unemployment rate was approximately 15 percent.

The Government generally respected the human rights of its citizens; however, although there were some improvements, serious problems remained. There were instances of arbitrary arrest and lengthy pretrial detention. The Government continued to arrest and charge persons for war crimes committed during the 1991-95 conflicts in Bosnia and Croatia. Domestic courts continued to adjudicate war crimes cases, taking steps to depoliticize cases against ethnic Serbs and opening or reopening investigations of members of Croatian military forces. However, ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. Reforms in the courts and prosecutor's offices resulted in some improvements in the judiciary; however, courts convicted persons in mass trials and in absentia, particularly in Eastern Slavonia. The courts continued to be subject to some political influence and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. At times the Government infringed on privacy rights; restitution of occupied property to refugees (mostly ethnic Serb) returning to the country remained slow and problematic.

The Government generally respected freedom of speech and press; however, a few problems remained. Unlike the previous regime, the Government did not interfere politically in the media's editorial decisions; however, at the local level, political pressure on the media continued, and an estimated 1,200 libel lawsuits against journalists remained pending due to backlogs in the judicial system. A new Law on Associations reduced governmental interference in the formation and operation of associations and nongovernmental organizations (NGOs) and created tax incentives for donors supporting them. The Government generally respected freedom of religion; however, restitution of nationalized property remained an unresolved problem for the religious communities. Lack of progress on private property restitution and resolution of the right to previously socially-owned property, along with severe economic difficulties in the war-affected areas, continued to impede returns of refugees. Cooperation with the

International Criminal Tribunal for the Former Yugoslavia (ICTY) was on track until September, when the Government refused to fulfill its obligations as ICTY's agent in the case of indicted former General Bobetko; by year's end, the Government took actions to come into formal compliance with ICTY procedures, although the final outcome of the case was pending.

Violence and discrimination against women persisted. There were some incidents of violence and harassment of religious minorities. Ethnic minorities, particularly Serbs and Roma, faced serious discrimination, including occasional violence. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. Trafficking in women was a problem. Croatia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

## RESPECT FOR HUMAN RIGHTS

### Section 1. Respect for the Integrity of the Person, Including Freedom from:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no arrests in the 2000 killing of Milan Levar, a former police officer who had provided information to the ICTY tribunal about the 1991 massacre of civilians in the town of Gospic.

Throughout the country, the bodies of 3,356 victims missing from the 1991-95 war have been exhumed from mass and individual graves (see Section 1.b.).

Domestic courts continued to adjudicate cases arising from the 1991-95 conflicts in Croatia and Bosnia. Courts opened and reopened several war crimes cases involving Croatian forces, but despite their increased number, questions remained about the criminal justice system's ability to conduct fair and transparent trials in these complex and emotionally charged cases. Observers blamed inadequate training, shortcomings in the legal code, chronic witness intimidation, and an often-hostile local public as hampering the war crimes process.

In December 2001, four Croatian police officers were acquitted of war crimes charges for killing six prisoners of war in 1991 in Bjelovar. A key prosecution witness changed his testimony at the trial, and the presiding judge accepted the changed testimony without question. There was widespread speculation that the witness was pressured to change his testimony. In January the Bjelovar county prosecutor filed an appeal, which remained pending at year's end. In a closely related case at the same court, in January three of the same four police officers were found guilty of torturing imprisoned Serb civilians in 1991 in Virovitica; the fourth defendant was acquitted. They were each sentenced to 1 year in prison. In February the defendants' attorney filed an appeal with the Supreme Court, which remained pending at year's end.

In September the retrial of Mihajlo Hrastov, a former member of the Karlovac Police Special Forces, for the murder of 13 Yugoslav National Army prisoners of war near Karlovac in 1991, ended at the Karlovac County Court in acquittal. The Court accepted the defendant's claim that he had acted in self-defense. The same court had acquitted Hrastov of the same charge in a politicized trial in 1992. Although the retrial began in 2000, it was restarted twice, first in 2001 and again in 2002 due to excessive delays between hearings. In addition, the retrial did not begin for more than 3 years following the Supreme Court's decision ordering a new trial. A prosecution decision on whether to appeal the acquittal was pending at year's end.

The trial of four retired Croatian soldiers, charged with killing two elderly Serb civilians near Sibenik in 1995, ended with their acquittal in September. The Court based its decision on a lack of material evidence and eyewitnesses. The prosecution announced its intention to appeal the ruling and seek a retrial. The case drew public attention when a lay judge excused himself under suspicious circumstances just as the verdict was to be rendered. The trial was accompanied by allegations of intimidation of international and domestic court observers.

In November the high-profile "Lora" war crimes case against military police officers indicted for torture and murder of ethnic Serbs in the Lora naval prison in Split in 1992-1993 ended with the acquittal of all eight defendants. The presiding judge, Slavko Lozina, acknowledged that there had been torture in the prison and that two people had died but stated that there was no evidence against the defendants. He also publicly refused to qualify mistreatment

cases as war crimes, claiming that no war crimes were possible given that opposing forces did not occupy Split, and that the Serb prisoners were Croatian citizens. The Prosecution announced that an appeal would be made upon receipt of the written verdict, which was pending at year's end. Local NGOs monitoring the trial, including the Center for Development of Democracy and Altruism, expressed concern over perceived breaches in legal procedure, such as the court's decision not to admit as evidence witness statements taken in court in Belgrade. There were numerous other irregularities in the trial, including threats against witnesses and their families and Lozina's July order releasing from detention the defendants, two of whom failed to return when ordered back into detention by the Supreme Court. Lozina's handling of the case led to charges of obstruction of justice and favoritism toward the defense. Both the Ministry of Justice and the Supreme Court launched inquiries into the behavior of Judge Lozina, although no official sanction had been issued by year's end. The Dalmatian Human Rights Committee, a local NGO, urged the Government to investigate the allegations about torture and murders in Lora prison and assisted efforts to locate witnesses, many of whom reside in Yugoslavia and Bosnia. Key prosecution witnesses refused to travel to Split from Yugoslavia because of the judge's perceived bias and fears that their security could not be guaranteed.

In contrast, the war crimes trial against five persons (including Tihomir Oreskovic and Mirko Norac) for the 1991 massacre of ethnic Serb civilians in the town of Gospic appeared to proceed fairly and smoothly. The trial began in 2000, and in September the maximum 2-year detention expired for two defendants, including Oreskovic. The Supreme Court, however, ruled that the newly revised Criminal Procedure Code permitted extending the period of detention to 3 years in the case of such grave crimes, and both defendants were returned to prison. In September court officials traveled to Belgrade and in October to Germany to hear testimony by witnesses, who had fled Gospic during the war, and dismissed a defense motion that the Belgrade testimony be barred because it was delivered in Yugoslavia. In September the County Prosecutor in Rijeka requested an investigation into one of the defendants in the Oreskovic case, Ivica Rozic, who was accused of planting explosive devices in the homes of Serb returnees in the Gospic area between 1996 and 1998. The County Court in Gospic was conducting an investigation at year's end.

In July the Karlovac County Court convicted and sentenced Bosnian Muslim warlord Fikret Abdic to 20 years in prison, the maximum sentence available. Evidence provided by Bosnian authorities implicated Abdic in the deaths of 121 civilian detainees and 3 military prisoners between 1993 and 1995 in prison camps set up by Abdic in northwestern Bosnia.

In 2001 the Constitutional Court ordered a retrial in the case of former Croatian policeman Antun Gudelj, who was convicted and then improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir. At the time of his death, Reihl-Kir had been negotiating between ethnic Croats and Serbs to ease tensions in the region. In December 2001, the Government sought Gudelj's arrest and extradition from Australia, where he has resided since 1997; at year's end, bilateral legal discussions continued on this case.

In 2001 the Supreme Court ordered the release of two Bosnian Croat suspects who had been detained in connection with the 1993 Ahmici massacre in central Bosnia, after they had been held 6 months--the legal maximum for detentions--without charges. The 2000 retrial of 6 former Croatian soldiers charged with the 1995 massacre of 16 elderly Serbs in the villages of Varivode and Gosici was discontinued in February when the county prosecutor dropped the charges against the defendants due to a lack of evidence. No new suspects were indicted by year's end.

During the year, the Government took some steps to depoliticize cases against ethnic Serbs. The OSCE reported that at year's end it was monitoring 59 ongoing war crimes cases against ethnic Serbs. In October Zadar County Court sentenced Zorana Banic, an ethnic Serb accused of war crimes against civilians in Skabrnja in 1991, to 13 years in prison. In a previous in absentia trial she had been given a maximum 20-year sentence. The indictment included participation in the murder of 34 civilians. International monitors considered it a fair trial.

Courts continued the practice of convicting persons in mass trials. For example, the March 2001 mass trials in the "Tompojevci group" case resulted in absentia convictions on war crimes charges for 15 defendants, and in June the Supreme Court confirmed 9 of these convictions.

During the year, six persons were killed in landmine incidents, most caused by landmines laid during the 1991-95 war. The Croatian Mine Action Center reported that from 1991 through the end of the year, 1,395 land mine incidents were recorded in which 429 persons were killed.

#### b. Disappearance

There were no reports of politically motivated disappearances.

Government figures at year's end showed that 1,317 persons (mostly ethnic Croats) remained missing in unresolved cases from the 1991-95 military conflict. The bodies of 3,356 victims have been exhumed from mass and individual graves since the war, including 253 during the year, of which 2,745 have been positively identified (including 147 during the year). During the year, there was significant progress on the exhumation and identification of the remains of ethnic Serbs as well as ethnic Croats. The Government cooperated and collaborated closely with the international community on exhumations and identifications of remains; during the year, the process focused primarily on ethnic Serbs (for example, 199 of the 253 exhumations in the first half of the year were believed to be ethnic Serbs). With the ICTY and international experts serving primarily as monitors, the Government handled most exhumations and identifications itself. For example, out of 23 exhumations during the year, of which 20 were mass gravesites, only 3 were conducted in cooperation with the ICTY. In September the Government signed an agreement registering the International Commission on Missing Persons (ICMP) as an intergovernmental organization; since 1996 the ICMP has worked in Croatia on recovery, identification of remains, and assisting the families of missing persons.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, mistreatment, or cruel or degrading punishment, and the authorities generally observed these prohibitions in practice.

Widespread ethnic tension between ethnic Serb and Croat police officers existed, particularly in the Danubian region, where some Croat officers were laid off in order to maintain proportionality in the ethnic mix of the police force as required by the 1995 Erdut Agreement. The Government appeared to fulfill its obligation under the Agreement to maintain "proportionality" in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia. Problems in the police force included poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and pressure from hard-line local politicians. These factors impeded development of local police capability.

Prison conditions generally met international standards. Jails were crowded, but not excessively, and family visits and access to counsel generally were available to prisoners. Men and women were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

The Government permitted visits by independent human rights observers, and such visits by both international organizations and domestic NGOs occurred during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government did not always respect this right in practice. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes; such cases of arrests without warrants were not uncommon. The police then have 24 hours to justify the arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate appoints counsel. The magistrate must, within 48 hours of the arrest, decide whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days, but the Supreme Court may extend the period in exceptional cases (for a total of not more than 6 months, or 12 months in serious corruption/organized crime cases). Once the investigation is complete, detainees may be released on their own recognizance pending trial unless the crime is a serious offense or the accused is considered a public danger, may influence witnesses, or is a flight risk. Suspects generally were held in custody pending trial, and there were several cases of suspects held in pretrial detention for several months on weak evidence. The option of posting bail after an indictment is available but was not commonly exercised.

The Government granted amnesty under the 1996 Amnesty Law (which amnestied acts of rebellion by ethnic Serbs) to several individuals during the year, particularly returning ethnic Serb refugees. In July the State Prosecutor directed local prosecutors to review old war crimes cases to determine whether sufficient evidence existed to proceed with prosecution. Arrests of ethnic Serbs for war crimes continued but decreased throughout the year. During the year, 34 Serbs and 3 Croats were arrested on war crimes charges, and 21 Serbs and 13 Croats were released. In some cases of arrest on war crimes charges, the subject was released a few days after charges

were dropped; however, in other cases, persons were detained for long periods. The inability of trial judges to issue written verdicts was the leading cause of detention beyond the legal 6-month limit. For example, in the Abdic case (see Section 1.a.), the county court issued a verdict in July; however, because no written verdict has been issued, the appeal process had not begun by year's end. Similarly, Miljan Strunjas, who was convicted in February in Karlovac County Court, appealed his case but remained in detention because there has been no written verdict. Over the last few years, several ethnic Serb defendants convicted in absentia or at nontransparent trials continued to be held in detention for extended periods while their appeals progressed slowly through the overburdened judicial system.

In April the Osijek County Court convicted six Serbs arrested in 2000 on war crimes charges. Two of the convicted persons remained in detention, and the others were released while their appeals were pending before the Supreme Court because the length of time they had been detained matched or exceeded the period of time to which they were sentenced.

Observers reported a decline in the practice of police summoning ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

The Constitution prohibits forced exile of citizens, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for an autonomous and independent judiciary; however, the judiciary continued to suffer from some political influence, a backlog of nearly 1.4 million cases, and funding and training shortfalls.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections, and serves as the court of final appeal for individual cases. Justices of the Constitutional Court are elected for 8-year terms by Parliament, while all other judges are appointed for life. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of 11 members serving 8-year terms), which is independent of both the judiciary and the Ministry of Justice, is charged with the appointment and discipline, including removal, of judges. In the past, the State Judicial Council was criticized for making politically influenced decisions. A July 2001 law, which created a similar council for public prosecutors, enabled the well-respected Chief State Prosecutor to renominate or replace the chiefs of municipal and county prosecutors' offices. The process of renominating or replacing the county court presidents--which was undertaken pursuant to the 2000 Law on the Courts--neared completion by year's end.

Judges are prohibited constitutionally from being members of political parties. Over the past 2 years, the judiciary was subject to far less political influence than previously, although there continued to be reports of political influence at the local level. Hard-line judges appointed by the previous Government, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, also continued to be a problem. The greatest problems facing the judiciary were outmoded procedural codes and court rules, inexperienced judges and staff, bureaucratic inefficiencies, and funding shortfalls, which created a massive backlog of over 1 million cases, some dating back 30 years or more. The inexperience of young and newly appointed judges continued to be a problem, and there continued to be areas without permanent judges.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, at times citizens were denied these rights. Excessive delays, particularly in civil trials, remained a problem. Courts tried and convicted persons in absentia for war crimes. Courts convicted persons in mass trials and in trials with weak supporting evidence, particularly in Eastern Slavonia. In March 2001, mass trials in the "Tompojevci group" case resulted in the in absentia convictions of nine ethnic Serbs (see Sections 1.a. and 1.d.). In May the Osijek County Court convicted and sentenced in absentia 12 Serbs in the "Branjina" case. In June and July, the Vukovar County Court continued in absentia trials against 6 Serbs in the "Vukovar Group I" case and against 11 Serbs in a retrial in the "Bapska" case.

Activities that should have qualified for amnesty under the 1996 Law on General Amnesty were classified mistakenly and prosecuted as common crimes or war crimes, although this practice declined and was under review by the Public Prosecutor. For those who had previously exhausted their appeal procedures, there was no mechanism to review their cases.

Nevertheless, the courts continued to adjudicate war crimes cases arising from the 1991-95 conflicts in Bosnia and Croatia, initiated investigations into several allegations involving Croatian forces, and took steps to depoliticize

cases against ethnic Serbs. For example, the chief State Prosecutor initiated a case-by-case review of war crimes cases and sought to limit sharply the use of in absentia proceedings. County prosecutors were under instructions not to initiate criminal proceedings or in absentia proceedings without consultation with the State Prosecutor.

In past cases regarding property claims, courts overwhelmingly favored ethnic Croats over ethnic Serbs, particularly in the Danubian region (see Section 1.f.).

At year's end, approximately 21 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials held under the previous regime. There were no other reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, at times the Government infringed on these rights with respect to the restitution of property.

Search warrants may be issued only by a court, which must justify the search. Police may enter a home without a warrant or the owner's consent only to enforce an arrest warrant or prevent serious danger to life or property. The Constitution provides for the secrecy and safety of personal data, and the Government generally respected these provisions in practice.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem. The Government continued to give preference to the rights of temporary occupiers (mostly ethnic Croats) over those of the legal owners. Few property owners were able to recover their prewar dwellings and the issue of former-tenancy rights holders of socially-owned property remained largely unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments.

Despite a 1998 Constitutional Court ruling that declared several elements of the Law on the Temporary Takeover of Specified Property unconstitutional, the many thousands of ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, remained unable to access their property. In July 2001, the Government completed a case-by-case review of housing units that were distributed for temporary occupancy by the previous regime (often homes of ethnic Serbs who fled the conflict that were allocated to Bosnian Croat settlers). The housing survey provided data to facilitate eventual returns and property restitution; at year's end, 7,099 of 18,396 housing units remained occupied. Many of the occupants of these units were subject to immediate eviction, either because they had received reconstruction assistance for their own houses or because they were multiple or illegal occupants. However, in practice evictions rarely were implemented, and in most cases they were postponed, rescheduled, or simply not scheduled at all. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes.

Local housing commissions, which previously either failed to resolve housing disputes or were powerless legally to implement their decisions, were dismantled by the end of August as a result of July amendments to the Law on Areas of Special State Concern (LASSC). The commissions were municipally based administrative bodies, significantly influenced by the local environment and in many cases highly politicized and unable to represent legitimate owners in court proceedings. In September the Government's Office of Displaced Persons and Refugees assumed responsibility for property repossession. The State Attorney is responsible for conducting the eviction process against those who are illegally occupying houses. Despite orders from the national Government, local authorities often did not initiate lawsuits against individuals who refused to vacate occupied premises. In some cases, the Government discouraged returns by failing to furnish reconstructed houses with basic utilities. In a few instances, returnees who gained access to their property were held responsible for water and power bills incurred by temporary occupants, and the authorities refused to reconnect the services until the bills were paid. Many ethnic Serb returnees also were unable to move into looted and devastated homes that the Government defined as habitable.

The amended LASSC may accelerate the process of legally resolving property restitution cases, but it provides no guarantee to claimants that they can physically repossess their property, and there were no mechanisms to implement the new legal provisions. According to the OSCE and UNHCR, there were no new cases in which the occupancy permission had been terminated and the occupant failed to accept alternative accommodation that had been transferred to the State Attorney to initiate a new civil action for eviction. The LASSC still subordinates the rights of private property owners to those of temporary occupants by making property repossession conditional on provision of alternative accommodation for the temporary occupant.

During the year, the Government significantly accelerated processing of claims by ethnic Serbs for reconstruction assistance. July amendments to the LASSC stipulated a timeframe for recipients of alternative housing assistance to complete construction or reconstruction and to vacate occupied properties. Under the amendments illegal or double occupants were given up to 60 days to vacate or face eviction. The amended law obligates the Office of Displaced Persons and Refugees (ODPR) to make decisions on repossession in favor of legitimate owners who applied for repossession by December 31. The amended law further obligates the Government to pay compensation to the legitimate owners if it fails to reconstitute their properties by December 31. Several hundreds of temporary occupiers voluntarily vacated properties after receiving letters from ODPR warning of eviction.

An ongoing problem was the existence of "priority category" citizens, i.e., active or former members of the military and widows and orphans, whom courts and housing commissions were unwilling to evict. Ethnic Croat homeowners wishing to return to their property in the Danubian region generally were able to recover their homes by evicting the ethnic Serbs occupying them.

The Government did little to address the issue of former tenancy rights holders. These persons typically resided in socially-owned apartment units under the pre-1991 Communist system and paid contributions into a social property fund, often for many years. Thousands of persons who fled during the conflict lost their claims to their apartments due to their temporary absence. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to reclaim their tenancy rights or because they had lived in parts of the country occupied by the rebel Serb para-state and missed the chance to purchase their prewar apartments.

Occasional incidents of attacks against property and arson related to housing disputes were reported during the year (see Section 5).

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government generally respected these rights in practice. The constitutional provisions specifically include freedom of the press and other media, speech and public expression, and the free establishment of institutions of public communication.

The Government did not interfere in the editorial decisions of the print media; however, electronic media were susceptible to political pressure since most of them were at least partially owned by local government.

Tisak, a once-profitable government monopoly with 1,700 news kiosks, was privatized in 2001. It continued to distribute approximately 75 percent of the print media. There were no reports of problems with distribution due to Tisak's position in the market. Foreign newspapers and journals were available in urban areas throughout the country; however, due to their high cost, they remained largely inaccessible to many persons.

Problems with implementation of a February 2001 law reforming government-owned Croatian Radio and Television (HRT) led the Government in December to propose to Parliament a law to make HRT a public service broadcaster. The proposed law is intended to reduce political influence on HRT by eliminating Parliament's ability to appoint a Board of Directors. The OSCE was concerned that the new law does not sufficiently safeguard the appointment process to HRT's Broadcasting Council from parliamentary influence. In December the Government's Radio and Television Council announced a public tender process to lease the third HRT channel.

An October 2001 law transformed HINA, the government-owned news agency, into a public institution, which is to be financially independent and operated on a commercial basis outside the national budget; however, during the year, the Government still provided most of HINA's funding. The October 2001 media law also obliged all media to make their ownership structures public by January; however, whereas there were 1,600 registered print media companies alone, only 61 media companies made their ownership structures known by the deadline. Despite the various reforms, a truly independent nationwide television news and entertainment station did not yet exist by year's end.

Over 60 percent of the population continued to rely on government-run HRT's evening Dnevnik program for television news. While privately owned TV Nova reached more than 75 percent of the population during the year, it was primarily an entertainment station and carried little news programming. A network of independent local television stations produced a competing nightly news program Vijesti that reached 65 percent of the country's territory. The HRT continued to be the sole beneficiary of revenue from government taxes on television users. These subsidies created an advantage over independent television stations whose financial resources and ability

to purchase programming were limited. Similar problems existed in radio broadcasting. The Catholic Church operated one of the few private national radio stations.

A May 2001 Penal Code amendment decriminalized the offense of libel, resulting in a lower filing rate of such cases. An estimated 1,200 libel cases from previous years remained unresolved due to the slow and inefficient judicial system. Most cases that reached a verdict during the year apparently were decided fairly. Sections of the Penal Code that authorize prosecution of journalists who publish "state secrets" remain in force; however, there were no reports of these laws being used during the year.

In September the Croatian Association of Disabled Veterans of the Homeland War blocked distribution of the *Osijecki Dom* daily in Osijek for 3 days because it published a list of 3,000 "disabled" veterans, many of whom were alleged to be receiving benefits improperly.

Access to the Internet was available and unrestricted.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law permits assembly for registered demonstrations at approved locations; while the process for approving or denying the registration of an assembly is not transparent, there were no reports that it was used discriminatorily. During the year, there were several peaceful demonstrations and marches throughout the country organized by labor groups, farmers, and war veterans' groups opposed to government policies (see Section 6.b.).

The Constitution provides for the right of association, and the Government generally respected this right in practice. Observers reported that an October 2001 law regulating associations and NGOS had eased the registration process, minimized governmental interference, and eliminated unequal treatment of international and domestic associations. The new law also encourages private funding of NGOs by granting tax exemptions to donors. In January new procedures for NGO registry entered into force. The registry for the first time made information on the country's NGOs available electronically to the public.

#### c. Freedom of Religion

The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government generally respected these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions.

There is no official state religion; however, the Roman Catholic Church received some state support and other benefits established in concordats between the Government and the Vatican. For instance, the Catholic Church received direct subsidies, as well as state financing for some salaries and pensions for priests and nuns through the government-managed pension and health fund. Pursuant to the Law on the Legal Status of Religious Communities, in December the Government signed agreements with the Orthodox Church and the Islamic community modeled on the Catholic concordats. State financing of salaries of religious workers; provision of spiritual counseling in state institutions such as the army, police, and prisons; and the recognition of religious marriages were among the main points of the agreements. Similar agreements were planned for the Jewish community and the Evangelical and Baptist churches.

Catholic, Islamic, and Orthodox marriages are recognized by the State, eliminating the need to register them in the civil registry office.

The Ministry of Defense employed 16 full-time and 5 part-time Catholic priests to tend to Catholics in the military; however, no clerics of other denominations, including Orthodox or Muslim clerics, were employed as chaplains. The December agreements allow the military to add one Muslim and five Orthodox clergy members as chaplains. In September the Government signed a new Protocol and Agreement on Mutual Relations with the Catholic Church, which among other things regulates spiritual counseling in penitentiaries, prisons, and correctional institutions. The new agreements with the Orthodox Church and Islamic communities also permit spiritual counseling in penitentiaries, prisons, and correctional institutions.



The Government requires that religious training be provided in schools, although attendance is optional; however, in general, the lack of resources and qualified teachers impeded instruction in minority faiths, and the Catholic catechism was the one predominantly offered. Under the Law on Religious Communities, enacted in July, Catholic religious education was introduced in kindergartens across the country in the fall. The decision prompted public discussion and criticism by representatives of some other religious communities and political parties. The agreements with the Orthodox Church and Islamic community allow for religious education in schools where there are a minimum of seven coreligionists of either the Orthodox or Islamic faith.

Restitution of nationalized property remained a problem. Restitution to the Catholic Church is regulated by a 1998 concordat with the Vatican. The new agreements with the Islamic community and Orthodox Church provide for establishing joint commissions with the Government that would meet annually to resolve property, legal, educational, and cultural issues. The joint commissions are based on the "concordat" model established between the Catholic Church and Government. The Orthodox Church--the second largest claimant of property after the Catholic Church--has repossessed a significant amount of business property in Zagreb, as well as some property in Rijeka and Osijek. However, several buildings in Zagreb, Karlovac, and other towns had not been returned, nor had properties that belonged to monasteries, including forests and arable land. Similarly the Jewish community has had only partial success in recovering its properties. Negotiations with the Government's Office for Property Repossession on three buildings in Zagreb, Ravna Gora, and Crikvenica were unsuccessful, and no property was returned during the year. In July--1 year after the Constitutional Court's deadline--Parliament enacted a law extending compensation to foreigners whose property was confiscated between 1945 and 1991, as long as the individual's government has a reciprocal agreement with the Government of Croatia. The new law does not cover wartime property seizures from 1941-1945 or from 1991-1995. In addition, those compensated under previous treaties are precluded from receiving additional compensation.

According to OSCE and other reporting, Orthodox churches and property in war-affected areas, particularly in Osijek and Slavonski Brod, were repeatedly attacked throughout the year. In March 18 icons were stolen from St. Nicholas Orthodox Church in Kistanje; in the same month, a group of young people harassed orthodox monks and students at the Krka monastery near Kistanje. While there was prompt police intervention, no arrests were made. Cemeteries in the Karlovac area were damaged and desecrated several times during the year. In September tombstones in a cemetery in Vukovar were damaged--marking the seventh such incident at the cemetery. In August fascist Ustasha symbols were painted on the Serb Orthodox church in the city of Split.

In August police failed to act in Sibenik when cars were used to block the entrance to church offices and prevent the local Bishop from exiting the building. Also in Sibenik in August, no charges were brought against a person who was detained for repeatedly throwing garbage and verbally abusing an Orthodox priest. In September arsonists set fire to a building of the Orthodox Church in Osijek; in a separate incident in Osijek, the Church of St. Nicholas was vandalized.

Unlike in previous years, Muslim leaders reported no serious discriminatory incidents.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others." All persons must register their residence with the local authorities; however, no problems were reported with registration.

There were no reports that the Government revoked citizenship for political reasons. The Government's procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved during the year; however, there were regular reports of obstruction by some local officials. In Donji Srb, many Serb returnees experienced difficulties in obtaining identity cards and other forms of documentation that would allow them to verify their citizenship status. The municipal government in Gracac obstructed returns to Donji Srb and other municipalities under its jurisdiction while at the same time providing immediate assistance to ethnic Croat settlers from Bosnia who continue to arrive in the municipality. By the end of November, in returns organized by the U.N. High Commissioner for Refugees (UNHCR) or the Government, 10,748 persons who were refugees in Yugoslavia and Bosnia-Herzegovina returned to Croatia. According to the UNHCR, approximately 113,582 refugees (mostly ethnic Serbs) have returned to Croatia (mostly from Bosnia-Herzegovina and Yugoslavia but also from other countries) since 1995.

Procedural improvements in refugee clearance eliminated arrests of those returnees who had been advised by the Interior Ministry that they faced no legal processes. However, international observers remained concerned that arrests of ethnic Serbs for war crimes, often based on weak evidence (see Section 1.d.), particularly of those who have newly returned, dissuaded some refugees from returning. The Ministry of Interior reinstated the permanent residency documents of more than 380 Croatian Serb returnees who were considered noncitizens. These returnees may now regularize their status, obtain identity documents, and apply for citizenship through naturalization.

A significant number of internally displaced persons remained in the country, although not all are under the Government's direct care. In August UNHCR reported that there were 17,486 internally displaced persons in the country (75 percent from the Danubian region) and 8,202 refugees (mostly from Bosnia-Herzegovina). These numbers did not reflect fully an additional 140,000 former refugees (nearly all ethnic Croats from Bosnia-Herzegovina) who have become citizens and residents of Croatia.

Despite an ongoing government program to repair thousands of damaged homes in the Danubian region, government officials, NGOs, and international observers assessed that the returns process was nearing its completion in that region without most communities reaching their prewar population levels. While ethnic tensions continued in the Danubian region, the overall security situation was stable (see Section 5). The largest disincentive to returns was the poor state of the regional economy.

President Mesic and Prime Minister Racan continued to make public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. In March 2001, the Government approved a set of policies (the "Knin Conclusions") to address social and economic problems in the war-affected areas; however, few of the policies had been implemented by year's end. In May the Government's Coordination Body, established in 2001 to address issues in the war-affected areas, convened and formed joint working groups with representatives of the international community to address legislative and economic issues to facilitate returns. The working groups met frequently during the year, but their progress was very slow. Significant legislation was enacted concerning the restitution of property, but administrative and legal barriers slowed implementation (see Section 1.f.). The greatest obstacle to the return of Croatian citizens is their inability to regain access to their prewar homes and properties. Mechanisms for the return of private property worked best in the Danubian region where returnees tended to be ethnic Croats seeking to regain their homes from ethnic Serb occupants. Most other instances of restituted property occurred pursuant to a private agreement between owner and occupier.

In 2000 the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation was provided for the evictee. Despite this decision, courts and local housing commissions continued to rely on the quasi-legal 1998 Program on Return for guidance on eviction decisions. This practice reinforced the precedence of temporary occupants over that of property owners. The July amendments to the LASSC introduced measures designed to facilitate property repossession, but the underlying principle for property repossession remains that temporary occupants must be provided accommodation prior to repossession of property by owners. Because the law continues to subordinate the rights of private property owners to those of temporary users, it falls short of international standards and violates the right to ownership as provided for in the Constitution.

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

The Government implemented some, but not all, provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A new Law on Asylum, drafted in 2001 with the support of the UNHCR, that would implement fully the U.N. standards continued to move through the legislative process but by year's end had not yet been adopted. The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees. The Interior Ministry processes asylum seekers separately under the Law on Movement and Stay of Aliens, and persons seeking refuge are given "temporary protection" rather than refugee status. This status does not include all of the protections afforded a refugee. For example, a person with temporary protection status does not have the right to work, although many are provided with emergency health care and temporary accommodation. During the year, the Government did not grant asylum status to any of approximately 97 asylum seekers, despite positive recommendations from the UNHCR in several cases. These individuals were permitted to remain in the country only until their asylum claims were rejected, at which time they were ordered to depart the country, although none were deported or forcibly returned to a country where they feared persecution.

### Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections; however, there were a few irregularities in the 2000 presidential and parliamentary elections. Citizens over 18 years of age have the right to vote by secret ballot. The Constitution limits the president to two 5-year terms. President Stjepan Mesic was elected in February 2000 to a 5-year term to replace Franjo Tudjman, who died in office in December 1999. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely;" however, there were problems. The Citizenship Law and electoral legislation grant citizenship, and thereby the right to vote, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country. However, in 2000 the Government failed to ensure that many Croatian Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, could document their Croatian citizenship in order to vote and ultimately to return.

In March 2001, constitutional amendments abolished the upper house of Parliament (the House of Counties); there was little practical effect since the upper house had few real responsibilities. The now unicameral legislature, the House of Representatives, has 151 elected members. In January 2000 parliamentary elections, an opposition coalition led by the SDP won a parliamentary majority, ending 10 years of HDZ party rule. OSCE monitors characterized the voting as having made "marked progress" toward meeting OSCE standards. However, some concerns about the electoral process remained, including the underrepresentation of ethnic minorities. In July Prime Minister Racan resigned and was reappointed in a realignment of the Government due to changes in coalition partners.

In May 2001, nationwide elections were held for local offices (town, municipal, and county level). OSCE monitors assessed that the elections "were conducted generally in accordance with OSCE commitments," noting that "this assessment confirms the improvements noted during the 2000 elections. However, shortcomings remain." Observers reported participation by a broad spectrum of parties, the generally balanced media coverage, and the calm atmosphere on election day. Concerns included the hurried last-minute drafting of the election law, provisions on minority representation that do not clearly spell out procedures for achieving minority balance in local bodies, the lack of a permanent state electoral commission, the lack of transparency in parties' campaign expenditures, and the lack of regulations for campaign financing. A new "Constitutional Law" on National Minorities adopted by the Parliament in December stipulates that ethnic minorities must be represented in local government bodies, provided the census shows that the minority group constitutes at least a specified percentage of the local population. However, minority groups will remain under-represented in 79 municipalities and 9 counties until the next local-level elections are held in 2005. In addition, the 1991 Citizenship Law--which is disadvantageous to nonethnic Croats--still has not been amended to create equal citizenship conditions regardless of ethnicity.

There were no legal restrictions on participation in government or politics by women, and women held 33 of 151 parliamentary seats and 4 of 23 cabinet positions. In the judiciary, 4 of 13 Constitutional Court and 19 of 41 Supreme Court justices were women.

There were no legal restrictions on participation in government or politics by minorities, and minorities held 11 of 151 seats in parliament. The electoral law reserves five parliamentary seats for ethnic minorities; the remaining six minority parliamentarians were elected from party lists, not based on their ethnicity. The new Constitutional Law on National Minorities, enacted in December, reserves up to eight minority seats in the next legislature. On the local level, in the May 2001 elections, several ethnic Serbs were elected mayors of towns in the war-affected areas, particularly in those towns experiencing the greatest number of refugee returns and consequent demographic shifts. Ethnic Serb candidates from various parties (including the ethnically-based Independent Serb Democratic Party and Serbian People's Party, as well as the SDP) won 264 seats at the town, municipal, and county levels in the May 2001 elections, and ethnic Serbs joined the governing coalitions in at least 13 towns. In Vukovar in February a local Serb party joined the new governing coalition that came into power when the previously governing right-wing coalition broke up.

#### Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. The Dalmatian Committee for Human Rights, an NGO in Split, was instrumental in encouraging the reopening of the investigation of war crimes committed at the Lora naval stockade in Split. Several human rights NGOs in Split monitored the "Lora" trial, provided public information, and assisted witnesses to come forward and testify. In April the European Roma Rights Center, with support from the Croatian Helsinki Committee, filed a legal complaint challenging the segregation of Romani children into separate classes based solely on their ethnicity in four schools in northern Croatia.

A new Law on Associations went into effect in January and greatly enhanced the ability of NGOs to register and operate without undue government interference (see Section 2.b.). There were no reports of government harassment of NGOs, and the Government's office for cooperation with NGOs, while operating with limited resources, was active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In many municipalities, there was excellent cooperation between NGOs and local government officials; however, a lack of follow-through on central government commitments by local authorities continued to be a problem in some municipalities.

International organizations, including the European Union Monitoring Mission, OSCE, UNHCR, and the U.N. High Commission for Human Rights, operated freely.

Generally good cooperation with ICTY improved until late September, when the Government refused to fulfill its international obligations as ICTY's agent in the arrest and transfer of indicted retired General Janko Bobetko. In November the Government delivered the indictment to the local court. The court notified the Government, and the Government notified ICTY that, based on the findings of a local medical panel, Bobetko was too ill to participate in the proceedings, and at year's end, he remained in Croatia awaiting assessment by an ICTY-appointed medical team. Questions also arose about the Government's diligence in tracking down 2001 indictee Ante Gotovina. The failure to fulfill promptly its international obligations in the Bobetko case and the lack of progress in locating Gotovina called into question the Government's willingness to cooperate with the ICTY in pursuing war crimes cases involving prominent Croatians.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints. Because it is a parliamentary rather than executive office, the Ombudsman's authority to order compliance from government ministries is limited.

Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked specifically with human and minority rights and a separate gender equality committee that met periodically throughout the year to discuss topics and legislation within their purview (see Section 5).

The Government's human rights office--inaugurated in December 2001--is responsible to Deputy Prime Minister Ante Simonic in developing, coordinating, and implementing the Government's human rights activities. The Government's Coordinating Body to address refugee returns and housing reconstruction in war-affected areas and representatives of the international community met several times during the year in working groups; however, substantive progress was slow.

## Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. Additionally members of all national groups and minorities shall have equal rights. While most of these rights generally were observed in practice, discrimination against women, Serbs, and Roma continued.

### Women

Although the Government collected only limited statistics on the problem, credible NGO observers have reported that violence against women, including spousal abuse, remained a widespread and underreported problem. Alcohol abuse and poor economic circumstances were cited as contributing factors. Rape and spousal rape are illegal under the Penal Code; however, NGOs reported that many women do not report rape or spousal rape. The only women's shelter is in Zagreb.

The law provides that a domestic violence case can be initiated by persons other than the victim; for example, cases can be initiated on the basis of suspicions of health care workers or police rather than requiring the victim to press charges. A Penal Code provision directs that perpetrators of family violence, in addition to being punished, be placed under supervision and receive psychiatric treatment. The Law on Misdemeanors extends detention (for up to 30 days) of perpetrators of family violence, even during the defendant's appeal.

The country is a transit route as well as a lesser source and destination country for trafficking in women for the purposes of sexual exploitation (see Sections 6.f.).

Workplace sexual harassment is a violation of the Penal Code's section on abuse of power but is not specifically

included in the employment law. NGOs reported that in practice, women who were sexually harassed often did not resort to the Penal Code for relief for fear of losing their jobs.

The labor law prohibits gender discrimination; however, in practice women generally held lower paying positions in the work force. Government statistics from previous years showed that, while women constituted an estimated 46 percent of the formally employed work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of workers. Anecdotal evidence gathered by NGOs suggested that women held the preponderance of low-level clerical, labor, and shopkeeping positions. Union officials reported that--taking into account the informal economy--women's share of the total work force may be as high as 66 percent. Women constituted a larger proportion of unemployed--54 percent--and pension statistics indicated that women's salaries averaged 26 percent less than those of their male counterparts. Union officials reported that it was difficult to identify and resolve wage disparities in the work place based on gender because the Government did not disaggregate wage statistics by sex. Women often were among the first to be laid off in times of corporate restructuring. The Labor Code authorizes 1 full year of maternity leave.

Government efforts to promote gender equality continued. The Government Committee for Gender Equality drafted two new laws--on gender equality and on protection against violence in the family--both of which were pending parliamentary action. The Committee also initiated and secured financial support for regional gender equality bodies, which were established in several counties. In December 2001, the Government inaugurated a new human rights office (see Section 4), and an existing unit on gender equality within the Labor Ministry was upgraded and attached to this office. Tasks of the Labor Ministry office included implementation of the 2001-05 National Action Plan on gender equality and the coordination of tasks among ministries, parliamentary offices, unions, and the NGO community to promote gender equality. The Parliament's Gender Equality Committee initiated changes to the Defense Law and to the Law on Armed Forces, passed in May and March, which introduced a gender equality committee at the Ministry of Defense's Personnel Council and listed sexual harassment as a disciplinary violation. The committee supported important changes to the Law on Criminal Proceedings, which for the first time introduced the instrument of a restraint order and obligatory psychosocial therapy in family violence cases. The Small and Medium Enterprise Incentive Law enacted in March contains provisions promoting women's entrepreneurship.

The Croatian Women's Network, a women's NGO network registered in February and based in Porec, coordinated the activities of 50 NGOs from across the country. There were several NGOs based in Zagreb that had national impact, two of which were: The Rosa Center for Women, which deals with trafficking and violence against women and is putting together a national network, and B.A.B.E., which focuses on legal assistance, legislative drafting, and political participation.

#### Children

The Government is generally committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children. The majority of students continue their education to the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Croatian Romani children begin primary school, and of these only 10 percent go on to secondary school. In Medjimurje County, local officials allegedly operated segregated classrooms for Romani children, reportedly with a reduced and simplified curriculum. In September the Cakovec County Court rejected as unfounded a lawsuit filed in April by the European Roma Rights Center on behalf of 52 parents of Romani school children, who claimed discrimination in education and segregation of their children in Medjimurje County. In October the Romani parents participating in the lawsuit filed an appeal with the Constitutional Court. Subsidized daycare facilities were available in most communities even for infants. Medical care for children is free.

While there is no societal pattern of abuse of children, NGOs operating hot lines for sexual abuse victims reported numerous cases of abuse of children.

#### Persons with Disabilities

The Constitution ensures "special care for the protection of disabled persons and their inclusion in social life." While persons with disabilities face no openly discriminatory measures, job opportunities generally were limited. Special education also was limited and poorly funded.

The Law on Social Welfare and the Law on Construction specify access to public services and buildings for persons with disabilities; however, the construction rules were not always enforced and did not mandate that

facilities be retrofitted. As a result, access to public facilities often was difficult.

#### National/Racial/Ethnic Minorities

Ethnic minorities enjoy the same constitutional protections as other self-identified ethnic and religious groups; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs in several areas, including in the administration of justice, employment, housing, and freedom of movement. Ethnic Serbs in war-affected regions continued to be subject to harassment, intimidation, and occasional violence. In December after extensive discussion with minority groups and political parties, Parliament passed a Constitutional Law on National Minorities with broad political support. The OSCE generally assessed the new law positively. The law assures minority representation in local government bodies, creates minority councils from the local to the national level to advise elected officials on minority rights, promotes use of minority languages and symbols, and provides for the election of up to eight minority representatives in the next parliament. Ethnic minority groups welcomed most of the law's provisions, but objected to the loss of generous affirmative action rights to elect representatives to parliament.

Societal intimidation and violence against Serbs continued in war-affected areas (see Section 1.c.). Weapons left over from the war, including firearms and explosives, were readily available and were used in incidents of harassment during the year. Incidents largely occurred in the areas of return in central Dalmatia. In February Serb returnee Jovan Bosta was beaten to death in Benkovac near Knin; contradictory police reports were published and no arrests were made. Also in February, two grenades were thrown into the yard of a house owned by a Serb family in the Dnris area. Police responded appropriately and an investigation was ongoing. In April a returnee's house in the Benkovac area and a local school were burned. In Glina a Serb returnee's shop was attacked after a screening of a war-related film in which the perpetrators allegedly recognized the owner as a former soldier. Returnee Serbs in the village of Donji Karin reported continuous destruction of crops and vineyards by a Bosnian Croat settler; despite repeated reports to local police, no action was taken against the suspect. Ethnic Serbs in the area received verbal death threats and one family was pelted repeatedly by stones while working their fields. In July unknown persons intimidated two women in the village of Smiljcic by pounding on their windows at night; in the same village in September seven young men attacked and injured a man, but--based on earlier bad experience--he was reluctant to inform local police. Persons in uniforms reminiscent of the fascist World War II-era Ustasha Government marched through Petrinja in August, during celebrations of the town patron's day; in the same month, a similar occurrence was reported in Dvor, where there is a majority Serb population. In September two people in Knin threatened a television crew from Belgrade that was filming the first day in school of a boy from a recently returned Serb family. Police reacted quickly, but the crew--concerned with the boy's safety--discontinued the filming. In September the right-wing Croatia Party of Rights made ethnic threats during a press conference at the municipality day celebration in Dvor. Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. Verbal and legal harassment, forcible evictions, and assaults continued to occur regularly (see Section 2.d.).

Following the autumn 2000 termination of the OSCE police monitoring group in the Danubian region, the police continued to respond appropriately to law and order issues, although some NGOs continued to express concern that ethnic Serbs were reluctant to report ethnically-motivated incidents to authorities.

There were periodic reports of tensions between ethnic Serb and Croat officers. The Government has not addressed the issues of recruitment, training, and retention of adequate minority representation in police forces throughout the country. For example, outside of Eastern Slavonia, many majority Serb communities continued to be policed by forces that were 100 percent ethnic Croat.

An ongoing impediment to the return and reintegration of ethnic Serb refugees is the failure of the Government to recognize or "convalidate" their legal and administrative documents from the period of the 1991-1995 conflict. Implementation of the 1997 convalidation law to allow the recognition of documents issued by the rebel Serb para-state was undermined by Ministry of Labor and Social Welfare instructions that seriously limited eligibility. While the law itself did not include a deadline for filing applications, a decree issued by the previous regime established an April 1999 filing deadline. Since more than half of the 71,000 Serbs who have returned to Croatia returned after April 1999, the filing deadline effectively excludes most of those who otherwise would be beneficiaries. Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems including pensions, disability insurance, and ability to establish work experience. Most requests came from elderly persons and related to pension and employment histories from occupied territories during the conflict. The state pension fund improperly denied some applications for recognition of working experience from ethnic Serbs.

While ethnic Serb property owners often found it difficult to access their property, significant amounts of reconstruction assistance were for the first time extended to Serb beneficiaries. In addition to central Croatia, reconstruction had progressed well in western Croatia, where two-thirds of reconstruction beneficiaries are now Serbs. In addition, authorities in most other regions of Croatia have worked hard to accelerate the processing of requests for reconstruction assistance. Local Serb NGOs in Knin reported continued obstruction by local authorities of efforts by ethnic Serbs to obtain various documents required in order to receive pensions, social benefits, or to process property or other legal claims.

Discrimination and harassment against Roma continued. The 2001 census counted only 9,463 Roma in the country, but government officials and NGOs agreed that this was a serious undercount and that the true number may be between 30,000 and 40,000. Unlike the previous year, there were no significant reports of attacks or violence directed against Roma. Protective of their culture and reluctant to assimilate, Roma faced a host of obstacles, including language (many, especially women, have only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, societal discrimination, and lack of government will to address such issues. Romani NGOs estimated that 25 percent of Roma do not have citizenship documents and thus cannot obtain papers necessary to acquire social benefits, employment, voting rights, and property resolution.

In September a crowd of Croatian parents prevented the first day of classes from being held at an elementary school in Medjimurje county. The parents, who were protesting the Ministry of Education's decision to support integrated classes, forced the Roma children out of the classrooms and locked the school. While a compromise solution that incorporates both mixed and segregated classes was accepted by the Ministry, school, and all parents, it falls short of the constitutionally guaranteed right of all citizens to equal education regardless of ethnicity.

International and local NGOs remained concerned about the practice of holding separate classes (of allegedly lower quality) for Roma students in northern Croatia.

A 2000 Constitutional provision added nine recognized minorities to the list of seven previously recognized in the Constitution, including Muslims, Albanians, and Slovenes.

There was some discrimination against minorities in schools. For example, textbooks have used derogatory adjectives in reference to minorities. Previous Government pledges to provide more balanced textbooks went unfulfilled.

The Citizenship Law distinguishes between those who have a claim to Croatian ethnicity and those who do not. Ethnic Croats are eligible to become citizens, even if they were not citizens of the former Socialist Republic of Croatia, so long as they submit a written statement that they consider themselves Croatian citizens. Non-Croats must satisfy more stringent requirements to obtain citizenship through naturalization after 5 years of registered residence. Even those who previously were lawful residents of the former Socialist Republic of Croatia (see Section 1.d.) were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. Obstacles to ethnic Serbs' documenting their citizenship led to discrimination in other areas, including the right to vote (see Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and on Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a registered residence on the territory of Croatia for the 5 years preceding the application for citizenship). The Interior Ministry recognizes the period that mostly ethnic Serbs spent outside the country as refugees as applicable to the 5-year residency requirement.

## Section 6. Worker Rights

### a. The Right of Association

Workers are entitled by law to form or join unions of their own choosing without prior authorization, and workers exercised this right in practice. There was an active labor movement with one major and four minor national labor federations and an independent association of both blue- and white-collar members. Approximately 64 percent of workers were members of unions. In general unions were independent of the Government and political parties.

The Labor Code prohibits antiunion discrimination, and it expressly allows unions to challenge firings in court. There were no reports of systematic firings on grounds of ethnicity during the year. Generally citizens' attempts to

seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.). In a wrongful dismissal suit filed by the Metalworkers Union on behalf of Dragutin Varga and Vladimir Harjac, the union won the case, and both men were eventually returned to their positions--in Varga's case, after the employer withdrew an appeal to the Supreme Court.

Unions may affiliate freely internationally and did so.

#### b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The Constitution provides for the right to strike with some limitations. Members of the armed forces, police, government administration, and public services are not permitted to strike. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. The Supreme Court has ruled in the past that workers may not strike for nonpayment of wages; however, March 2001 amendments to the labor law specifically addressed this ruling and entitled workers to strike for nonpayment of wages.

When negotiating a new contract, workers are required to go through mediation before they can strike, unless the strike is not over a new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If they cannot agree, the Labor Law calls for the "Economic and Social Council" (GSV). The GSV--chaired by the Deputy Prime Minister--consists of 15 members, with 5 representatives each from Government, the Croatian Employers' Association, and trade union confederations. The GSV typically meets at least once a month on policies, procedures, and legislation relating to social protections, workers' and employers' interests, and the collective bargaining process. Local GSVs have been formed in most counties of Croatia.

The Government's Office for Social Partnership provides administrative and expert support to the GSV and facilitates dialogue between the Government, employers, and trade unions. The Office for Social Partnership mediated in approximately 80 labor disputes on a collective level. Only after submitting to mediation and formally declaring that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. A strike at the end of June by the Doctors and Dentists Union was ruled illegal by the Government because a process of reconciliation did not precede it. In August the Zagreb County Court banned a strike by ambulance drivers. The law prohibits retaliation against strikers participating in legal strikes, and no such incidents were reported. At year's end, there were some 45,000 unresolved individual labor disputes, of which almost 70 percent relate to financial claims.

During the year, authorities permitted labor demonstrations both in Zagreb's main square and in front of the Parliament. Approximately 5,000 union members and sympathizers gathered in a protest march in Zagreb's Cathedral square on May 1; union members and workers across Croatia marked the May 1 Labor Day holiday by protesting against announced changes to the labor law, which they claimed would drastically reduce workers' rights. In May the Secondary School Teachers Union went on strike, which resulted in the signing of a collective bargaining agreement with the Ministry of Education and Sports. Customs Officers initiated a work slow down in June over wage rates, and they subsequently received a 20 percent increase in pay. In October approximately 1,000 protestors in Pula and 500 in Rijeka, organized by trade unions and consumers' associations, demonstrated against the Government in response to price hikes by the State-owned electric utility company. Protests over layoffs in the national police force, announced by the Government in August 2001, continued until September 2002, when the Government ordered protestors encamped outside government offices to be removed forcibly after a laid-off policeman threw an egg at the Prime Minister. Some protestors sought sanctuary in an adjacent church, where they remained at year's end.

In November two metal workers unions organized a rally of approximately 1,700 Sisak Steel Plant workers over nonpayment of 3 month's wage arrears. The demonstration ended within days when the Government arranged for payment of wages.

Under the 1999 Agreement for a More Just Croatia, the Government is obliged to consult with labor unions before announcing economic reforms that would result in changes in worker benefits and layoffs; however, unions complained that the Government did not follow this agreement in practice.

There were no export processing zones.



### c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. The Ministry of Labor and Social Welfare is responsible for enforcing the ban on coerced or forced labor.

### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 15 years, and it was enforced by the Ministry of Labor and Social Welfare. Children may not be employed before reaching the legal age and are not allowed to perform work that is harmful to their health or morality. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. There was no reported pattern of the abuse of child labor laws.

### e. Acceptable Conditions of Work

The Government and Unions of Public and State Employees signed a basic collective agreement in December 2001; the most recent minimum net wage--established in April--was approximately \$243 (1,800 Kuna), which was not sufficient to provide a decent standard of living for a worker and family. The average monthly wage as of October was \$489 (3,766 Kuna).

The nonpayment of wages continued to be a serious problem; over 80,000 workers (6 percent of the work force) failed to receive their salaries on time. In June 2001, the Constitutional Court ruled that workers and their families could not be refused medical benefits, even if employers failed to pay their contributions into the health system.

A June 2001 Labor Law amendment shortened the workweek to 40 hours from 42 hours. Workers are entitled to a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers are entitled to receive time-and-a-half pay for any hours worked beyond 40 per week.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. The law allows unions to appoint health and safety stewards in companies, but their activities are not regulated by collective agreements. In practice industries are not diligent in meeting standards for worker protection. For example, it is common to find workers without hardhats on construction sites and for workers to remove safety devices from dangerous equipment. Under the law, workers may remove themselves from hazardous conditions at work and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so. There were no reports of wrongful dismissal complaints over workplace safety during the year.

### f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although existing laws may be used to prosecute traffickers; trafficking in women was a problem. Little statistical information on trafficking exists, although U.N. officials tracking the issue regionally and local research indicate that Croatia is primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser source and destination country for trafficked women.

Trafficking is prosecuted under the Croatian Penal Code's articles prohibiting slavery, the illegal transfer of persons across state borders, international prostitution, or procurement or pimping. Police awareness of the problem is low. Some police received limited training, and efforts have begun to encourage police to identify and document possible cases of trafficking. In part due to an inadequate legal framework, victims were not encouraged to take legal action against their traffickers. According to the Ministry of the Interior, from 1998 through August, the Government prosecuted 11 persons under the law prohibiting slavery and 94 persons under the law prohibiting international prostitution. The prosecutions resulted--through the end of 2001--in the convictions of eight persons charged with international prostitution; there were no convictions under the law prohibiting slavery.

Failure to identify trafficked women among illegal aliens smuggled into the country and shortcomings in the readmission agreement with Bosnia put police under pressure to process and repatriate illegal migrants within 72 hours after their initial arrest and resulted in a significant underestimation of the trafficking problem in the country. Women from Hungary, Ukraine, Romania, Bulgaria, Slovakia, and other countries reportedly were trafficked through Bosnia-Herzegovina and Yugoslavia to Croatia, where some remained to work as prostitutes or were trafficked to other destinations. Women were transported through the country by truck or boat. In addition, women

from Albania, Bosnia, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Yugoslavia were detained in incidents of illegal entry into the country; some of these women were believed to be victims of trafficking. Anecdotal information indicates that international organized crime groups were responsible for trafficking.

Government officials, international missions, and NGOs collaborated to develop an antitrafficking strategy. In April the Government appointed a National Committee for Combating Trafficking in Persons consisting of 22 members, including representatives from Government (including a representative from the State Prosecutor's Office), two NGO members, one member of the Croatian International Organization for Migration, and a journalist. The National Committee drafted a National Action Plan, which was approved by the Government in November. The National Committee participated in the Stability Pact AntiTrafficking Working Group; in addition, in September members of the Committee as well as the Deputy Prime Minister and the Minister of Defense attended an antitrafficking conference in Brussels to formulate an EU strategy for combating trafficking in persons.

There were no support services available for trafficking victims. Trafficking victims typically were detained for illegal entry and voluntarily deported. Victims generally were detained at a Zagreb detention facility on immigration violations. Detention may last several weeks. Foreign embassies usually did not organize repatriation for their citizens, and the Government typically arranged for victims to return to their countries of origin by train. There was one women's shelter that occasionally helped trafficked women.